Fresno, California

October 16, 2001

The City Council met in joint session with the Redevelopment Agency at the hour of 8:30 a.m., and thereafter in regular session, in the Council Chambers, City Hall, on the day above written.

Present: Tom Boyajian Councilmember

Brian Calhoun Councilmember
Brad Castillo Councilmember
Jerry Duncan Councilmember
Sal Quintero Councilmember

Dan Ronquillo Acting Council President

Henry Perea Council President

Dan Hobbs, City Manager
Dan Fitzpatrick, Agency Executive Director
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF OCTOBER 2, 2001

On motion of President Perea, seconded by Acting President Ronquillo, duly carried, RESOLVED, the Agency minutes of October 2, 2001, approved as submitted.

("B") RECEIVE REPORT AND GIVE DIRECTION TO STAFF REGARDING THE ZAHRA PARKING PROPOSAL TO CONSTRUCT A PARKING GARAGE ON AGENCY-OWNED PROPERTY LOCATED AT THE NORTHEAST CORNER OF BROADWAY AND THE MARIPOSA MALL (COUNCIL AND AGENCY ACTION)

Chair Duncan advised the developer was requesting the matter be delayed and by Council consensus the matter was laid over to October 30, 2001.

("A") AWARD CONTRACT FOR ROADWAY IMPROVEMENTS FOR THE ROEDING BUSINESS PARK (AGENCY ACTION)

Redevelopment Administrator Murphey reviewed the staff report as submitted, advised the matching funds had been appropriated and recommended the contract be awarded.

Acting President Ronquillo spoke in support of the issue, commented on the background of the Roeding Business Park project and expressed his concern and frustration with the setbacks that were encountered in matching the grants due to the prior administration and explained, and presented questions relative to the remaining grant match and project costs, with Ms. Murphey responding. A motion and second was made to award the contract.

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Ms. Murphey and Agency Director Fitzpatrick responded to questions of Councilmembers Calhoun and Boyajian relative to the funding source for the \$1.8 million match, specifics on the project phases including timelines, and when it would tie into Freeway 180 west. Councilmember Boyajian and Chair Duncan spoke in support and commended Council, the Mayor and staff for all their work.

On motion of Acting President Ronquillo, seconded by President Perea, duly carried, RESOLVED, a contract hereby awarded to Emmett's Excavation in the amount of \$1,879,884 for roadway improvements for the Roeding Business Park, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan

Noes : None Absent : None

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The joint bodies adjourned their meeting at 8:43 a.m. and the City Council convened in regular session at 9:00 a.m.

Rabbi Joseph Germain gave the invocation and President Perea led the Pledge of Allegiance to the Flag.

INTRODUCTION OF RUSSIAN DELEGATION - PRESIDENT PEREA

The Russian delegation was introduced and welcomed and Fresno State Professor Al Evans, host of the nine Russian leaders, spoke briefly on the delegations visit and activities.

RESOLUTION OF COMMENDATION TO CAPTAIN MARTY WEST - COUNCILMEMBER BOYAJIAN
RESOLUTION OF COMMENDATION TO HAROLD AND EVA MATTHEWS - COUNCILMEMBER CASTILLO
PROCLAMATION OF CHILDHOOD LEAD POISONING PREVENTION WEEK - PRESIDENT PEREA
PRESENTATION OF P.R.I.D.E. TEAM CERTIFICATES TO CITY EMPLOYEES FOR THE FALL QUARTER

The above proclamations, resolutions and certificates were read and presented and the Council recessed briefly to attend a reception to honor the PRIDE Team.

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RECESS - 9:20 A.M. - 9:42 A.M.

APPROVE CITY COUNCIL MINUTES OF OCTOBER 9, 2001

On motion of Councilmember Castillo, seconded by Acting President Ronquillo, duly carried, RESOLVED, the minutes of October 9, 2001, approved, *as amended by Councilmember Calhoun*, on Page 138-159, Item 2:30 p.m.,

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adding a paragraph to include Councilmember Calhoun's comments that he was troubled with the inconsistencies he was hearing from public works and development staff on the recommended super arterial designation and to clarify staff supported the motion to reserve the appropriate right of way for a future super arterial and defer the super arterial designation issue to the general plan update.

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APPROVE AGENDA:

(1A-1a) RECONSTRUCTION AND IMPROVEMENTS OF HIDALGO III NEIGHBORHOOD STREETS

City Clerk Klisch advised the above item should have read "<u>Award a contract</u> for reconstruction and improvements of Hidalgo III neighborhood streets." So noted.

(1A-1b) AWARD A REQUIREMENTS CONTRACT FOR CATIONIC POLYMER

Removed from the agenda at the request of staff.

(1A-13a) APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH OMNI-MEANS, LTD. FOR THE PREPARATION OF A NEXUS FEE STUDY TO INVESTIGATE METHODS TO FUND STREET IMPROVEMENTS TO WILLOW AND COPPER AVENUE (<u>DISCUSSED AGAIN AND ACTED UPON LATER IN</u> THE MEETING)

City Clerk Klisch advised staff was requesting the above item be removed from the agenda. Councilmember Castillo questioned the reason for the request stating he had questions whereupon the determination was made to pull the item from the Consent Calendar and discuss it at 2:00 p.m. under Contested Consent items.

On motion of Councilmember Castillo, seconded by Acting President Ronquillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea

Noes : None Absent : None

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ADOPT CONSENT CALENDAR:

(1A-1a) AWARD A CONTRACT TO AMERICAN PAVING CO. IN THE AMOUNT OF \$371,430.20 FOR RECONSTRUCTION AND IMPROVEMENTS OF HIDALGO III NEIGHBORHOOD STREETS

(1A-1c) DETERMINING THAT SCHLUMBERGER RESOURCE MANAGEMENT SERVICES, INC., BADGER METER, INC., AND ABB WATER METERS, INC., ARE NONRESPONSIVE TO THE SPECIFICATIONS; REJECT THE BD RECEIVED FROM HERSEY WATER METER COMPANY BECAUSE IT SUBSTANTIALLY EXCEEDS THE FUNDS AVAILABLE FOR THIS PROJECT; AND DIRECT STAFF TO REVISE THE SPECIFICATIONS AND REBID THE REQUIREMENTS CONTRACT FOR 3/4" - 2" WATER MAINS

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- (1A-7a) RESOLUTION NO. 01-335 APPROVING THE FINAL MAP OF TRACT NO. 4961 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED AT THE NORTHEAST CORNER OF W. BULLARD AND N. POLK AVENUES (DISTRICT 2)
- 1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE
- 3. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANT AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, AND THE STATEMENT OF COVENANTS FOR PLANTING AND MAINTAINING FRONT YARD TREES

(1A-10b) RESOLUTION NO. 01-336 - AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION FOR FUNDING UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAR AIR AND COASTAL PROTECTION BOND ACT OF 2000 - URBAN AND COMMUNITY FORESTRY PROGRAM TO REPLANT MISSING TRAFFIC ISLAND AND STREET TREES

On motion of Acting President Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea

Noes : None Absent : None

CONSENT CALENDAR - BILLS FOR INTRODUCTION

(1B-1)* BILL NO. B-82 - AMENDING SECTIONS 2-1738 AND 2-1738A OF THE FRESNO MUNICIPAL CODE RELATING TO CLARIFICATION OF THE STATUS OF LEGALLY SEPARATED SPOUSES

a. * **BILL NO. B-83 -** AMENDING SECTION 2-1846 OF THE FRESNO MUNICIPAL CODE RELATING TO CLARIFICATION OF THE STATUS OF LEGALLY SEPARATED SPOUSES

On motion of Acting President Ronquillo, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled Bill Nos. B-82 and B-83 introduced before the Council and laid over, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea

Noes : None Absent : None

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REQUEST FOR INFORMATION ON POLICE OVERTIME CHARGES FOR THE BILLY GRAHAM EVENT AS REPORTED IN THE FRESNO BEE - COUNCILMEMBER CALHOUN

(2 - 0) Request made with City Manager Hobbs responding and requesting specific questions be submitted to him and he would respond with a tray memo to Council by the end of the week.

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(3A) RESOLUTION NO. 01-337 - PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY IN AND AROUND THE FRESNO YOSEMITE INTERNATIONAL AIRPORT DUE TO THREATENED ATTACKS OR SABOTAGE ARISING FROM THE SEPTEMBER 11, 2001, DESTRUCTION OF THE WORLD TRADE CENTER TOWERS AND PENTAGON FACILITY, ALLOWING FOR THE CLOSURE OF MCKINLEY AVENUE DURING THE PENDING EMERGENCY, AND AUTHORIZING THE CITY TO ENTER INTO THE NECESSARY AGREEMENTS FOR THE USE AND CONTROL OF MCKINLEY AVENUE BY STATE AND FEDERAL GOVERNMENTS (* AS AMENDED LATER IN THE MEETING RE: ALERT STATUS)

A motion and second was made to adopt the resolution. Lengthy discussion ensued with Assistant City Manager Souza and City Attorney Montoy responding to questions of President Perea and Councilmembers Castillo, Boyajian and Calhoun relative to why the requested action was necessary, impacts to FYI tenants and nearby businesses and if staff had looked into lease agreements, what the city could do to assist affected businesses, request for tray memo on what staff has done to assist businesses, timeline on the street closure and if the reason for the closure was to protect the Army National Guard (ANG) area, who made the decision to close McKinley Avenue, alert status, agreement on the city not maintaining McKinley at this time, if street closures were happening elsewhere in the country, where Helm Avenue fell into the 700' radius, opening up Helm Avenue, request to add language in the agreement specifying a timeframe for McKinley closure, and if any costs incurred due to changes would be borne by the federal and state government.

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 01-337 hereby adopted, as amended later in the meeting relative to alert status; and the Director of Emergency Services authorized to negotiate and execute agreements necessary for the use and control of the closed area by the state and federal government, including a timeframe for the closure of McKinley Avenue, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea

Noes : None Absent : None

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(5A) * APPROVE FUNDING OF \$5,500 FROM THE NON-DEPARTMENTAL DIVISION GENERAL FUND FOR THE PURPOSE OF PAYING FEES TO THE DEVELOPMENT DEPARTMENT INCURRED BY THE REGIONAL BOY SCOUT FACILITY PROJECT CURRENTLY UNDERWAY - COUNCILMEMBER CALHOUN

Councilmember Calhoun reviewed the background of the issue, stated he did not support using infrastructure funds for these types of endeavors, and asked that the money not be taken from his infrastructure budget and made a motion to approve Option 2 (General Fund Non-Departmental as the funding source), which motion was seconded by President Perea. Councilmember Duncan stated he could not support the motion due to the recommended funding source and clarified this had nothing to do with the Boy Scouts.

Lengthy discussion ensued with City Manager Hobbs and Controller Quinto clarifying issues and responding to questions of Councilmembers Boyajian, Castillo, Calhoun and President Perea relative to whether the Mayor's discretionary fund could be used, the issue being a public subsidy and a Council policy call, specifics of the Boy Scout project, where the 1999 appropriated funds were currently, if the funds could be taken out of reserves, Councilmember

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Castillo stressing the funds were allocated once and should not have to be re-allocated again, Ms. Quinto clarifying since the appropriated funds were not committed as planned they were carried over and re-appropriated for something else, why the funds were not encumbered, what process should have taken place to encumber the funds, and if it was Council's responsibility to inform staff to encumber or re-budget the funds after being approved.

Councilmember Quintero recommended Councilmember Calhoun defund a project that might not be completed this fiscal year, whereupon Councilmember Calhoun stated he already explained the situation and noted \$2,800 was recently allocated from the Mayor's youth fund to subsidize a Babe Ruth team emphasizing these fees were no different from uniforms or trips and his request was nothing out of the ordinary.

Councilmember Boyajian questioned why Boy Scout representatives were not present to explain their inaction after Council approved the funds and recommended the matter be laid over for their presence. By Council consensus the matter was laid over to November 6, 2001, for Boy Scout representatives to appear and answer questions.

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(10:15 A.M.) HEARING ON PLAN AMENDMENT NO. A-01-019, FILED BY MICHAEL PAOLI, ON BEHALF OF STATE CENTER COMMUNITY COLLEGE DISTRICT, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF N. GLENN AND E. CAMBRIDGE AVENUES (DISTRICT 7)

- 1. RESOLUTION NO. 01-338 AMENDING THE FRESNO HIGH-ROEDING COMMUNITY PLAN
- 2. BILL NO. B-84 ORDINANCE NO. 01-76 AMENDING THE TOWER DISTRICT SPECIFIC PLAN

President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Beedle gave a brief overview of the issue and responded to questions of President Perea relative to parking.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of President Perea, seconded by Acting President Ronquillo, duly carried, RESOLVED, the finding of a Negative Declaration for Environmental Assessment No. A-01-019, C-01-131 dated September 5, 2001, hereby approved; the above entitled Resolution No. 01-338 hereby adopted; and the above entitled Bill No. B-84 adopted as Ordinance No. 01-76, by the following vote:

Ayes : Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea

Noes : None Absent : None

*Abstain : Calhoun (inadvertently voted in support; has abstained on matters relating to State Center

Community College since taking office; Minutes amended during approval on 10/30/01)

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(10:30 A.M.) HEARING ON THE DESIGNATION OF THE HOPKINS RESIDENCE, 1458 E. DIVISADERO STREET, TO THE LOCAL OFFICIAL REGISTER OF HISTORIC RESOURCES (DISTRICT 3)

1. **RESOLUTION NO. 01-339** - DESIGNATING THE HOPKINS RESIDENCE TO THE LOCAL OFFICIAL REGISTER OF HISTORIC RESOURCES

President Perea announced the time had arrived to consider the issue and opened the hearing.

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Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Acting President Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 01-339 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea

Noes : None Absent : None

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RECESS - 10:35 A.M. - 10:45 A.M. Acting President Ronquillo and Councilmember Quintero arrived later in the meeting.

(10:45 A.M.) HEARING ON REZONING APPLICATION NO. R-01-039, FILED BY COLLIERS TINGEY INTERNATIONAL, PROPERTY LOCATED ON THE EAST SIDE OF N. CEDAR BETWEEN E. FAIRMONT AND E. ALAMOS - 4856 N. CEDAR (DISTRICT 4)

- **1.** CONSIDER AND ADOPT CATEGORICAL EXEMPTION FOR ENVIRONMENTAL ASSESSMENT NO. R-01-39, C-01-155
- **2. BILL NO. B-85 ORDINANCE NO. 01-77 -** AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-P-L/BA-30/CZ TO R-P/BA-30/CZ

President Perea announced the time had arrived to consider the issue and opened the hearing. Planning Manager Beach gave a brief overview of the staff report as submitted and recommended approval (3 - 0).

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Castillo, seconded by President Perea, duly carried, RESOLVED, the Categorical Exemption for Rezoning application No. R-01-039 hereby approved; and the above entitled Bill No. B-85 adopted as Ordinance No. 01-77, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea

Noes : None

Absent : Quintero, Ronquillo

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RECESS -10:47 A.M. - 11:00 A.M. All members were present with Acting President Ronquillo arriving shortly into discussion.

(11:00 A.M.) HEARING TO CONSIDER THE USE OF \$1,209,800 AWARDED TO THE CITY BY THE U.S. DEPARTMENT OF JUSTICE TO UNDERTAKE THE LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG) PROGRAM

1. * RESOLUTION NO. 01-340 - 36^{TH} AMENDMENT TO AAR 01-200 APPROPRIATING \$1,334,200 OF 2001 LLEBG REVENUE AND TRANSFERRING \$134,400 FROM THE GENERAL FUND

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President Perea announced the time had arrived to consider the issue and opened the hearing. A motion and second was made to adopt the resolution.

Brief discussion ensued with Chief Dyer responding to questions and/or comments of President Perea and Councilmembers Calhoun, Quintero and Ronquillo relative to whether the 10% match had been budgeted, why a Clovis and Central Unified representative were not on the advisory committee along with the Fresno Unified representative, staff encouraged to reach out to the other school districts that cut into Council districts including Sanger, and involvement/input of city staff (Mayor appointees on educational issues) relative to the use of funds.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 01-340 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea

Noes : None Absent : None

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REQUEST TO SCHEDULE THE ISSUES OF HOMELAND SECURITY AND BIO-TERRORISM ON OCTOBER $23^{\rm RD}$ IN OPEN OR CLOSED SESSION AS APPROPRIATE - PRESIDENT PEREA

Request made with City Attorney Montoy and Chief Dyer clarifying issues and responding to questions.

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(3A) RESOLUTION NO. 01-337 - PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY IN AND AROUND THE FRESNO YOSEMITE INTERNATIONAL AIRPORT DUE TO THREATENED ATTACKS OR SABOTAGE ARISING FROM THE SEPTEMBER 11, 2001, DESTRUCTION OF THE WORLD TRADE CENTER TOWERS AND PENTAGON FACILITY, ALLOWING FOR THE CLOSURE OF MCKINLEY AVENUE DURING THE PENDING EMERGENCY, AND AUTHORIZING THE CITY TO ENTER INTO THE NECESSARY AGREEMENTS FOR THE USE AND CONTROL OF MCKINLEY AVENUE BY STATE AND FEDERAL GOVERNMENTS *CONTINUED FROM EARLIER - AMENDING THE ALERT STATUS

City Attorney Montoy advised the alert status had been elevated beyond that stated in the resolution and stated the resolution adopted earlier would be amended.

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LUNCH RECESS - 11:09 A.M. - 2:01 P.M. Councilmembers Quintero and Ronquillo arrived later.

(2:00 P.M.) CONTESTED CONSENT CALENDAR:

(1A-10a) * APPROVE EXPENDITURE OF \$21,800 FOR FUMIGATION OF THE FRESNO ART MUSEUM AND SELECTION OF A FUNDING ALTERNATIVE

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Councilmember Duncan stated he had no problem with the issue but he wanted assurance there would be no ambiguous issues in future leases, with City Attorney Montoy stating staff would make sure the infestation/fumigation issue would be covered. Upon question of President Perea, Parks and Recreation Director Primavera advised staff was recommending the retained earnings of Facilities Management as the funding source.

On motion of Councilmember Duncan, seconded by President Perea, duly carried, RESOLVED, the expenditure of \$21,800 for the fumigation of the Fresno Art Museum hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Perea

Noes : None

Absent : Quintero, Ronquillo

(1A-10c) AUTHORIZE EXECUTION OF THE SENIOR CITIZENS HOT MEALS SITE MANAGEMENT CONTRACT WITH THE FRESNO-MADERA AREA AGENCY ON AGING FOR FY 2002

Councilmember Quintero arrived at 2:04 p.m. Councilmember Calhoun acknowledged this was a fine service provided to seniors, commented on the city subsidy and services provided, and upon his request Parks and Recreation Director Primavera addressed the overall Senior Program and services provided and responded to questions relative to reasons for cost increases over last year.

On motion of Councilmember Calhoun, seconded by Councilmember Castillo, duly carried, RESOLVED, the Parks and Recreation Director authorized to execute an agreement for site management of the Senior Citizens Hot Meals Program with the Fresno-Madera Area Agency on Aging for FY 2002, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea

Noes : None Absent : Ronquillo

(1A-13a) APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH OMNI-MEANS, LTD., FOR THE PREPARATION OF A NEXUS FEE STUDY TO INVESTIGATE METHODS TO FUND STREET IMPROVEMENTS TO WILLOW AND COOPER AVENUES

Chief Transportation Engineering Technician Madewell responded at length to questions of Councilmember Castillo relative to whether the city could conduct a nexus study for streets improvements at any given time, when UGM fees could be implemented, if a UGM fee should have been started back when northeast development first began, why a fee study could not be conducted for all other area streets that will eventually need improvement, if the fees would be specifically for street improvements, if other impacts were taken into consideration, purpose of the study, why the city had to pay the entire amount for the study and if Clovis and Madera would be approached, if future Measure C funds were available for the street improvements, if Clovis was using any Measure C to fund their portion, and Clovis' funding source. Acting President Ronquillo arrived at 2:16 p.m. Public Works Director Williamson reviewed the status of the UGM update and commented on the current fee structure imposed. President Perea briefly left the meeting at 2:18 p.m. Upon question of Councilmember Castillo Mr. Williamson stated the reason staff had earlier requested the item be removed was because the accompanying appropriation resolution had not been included and advised the resolution would be brought back in two weeks.

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On motion of Councilmember Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the Professional Services Agreement with Omni-Means, Ltd. for the preparation of a nexus fee study to investigate methods to fund street improvements to Willow and Copper Avenues hereby approved, and the City Manager authorized to sign the agreement on behalf of the City, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo

Noes : None Absent : Perea

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RECESS - 2:20 P.M. - 2:35 P.M.

(2:30 P.M.) GREEN WASTE REQUEST FOR PROPOSALS

- 1. AWARD A CONTRACT FOR TRANSLOADING, TRANSPORTATION, AND PROCESSING OF WOOD AND YARD WASTE
- 2. REJECT ALL PROPOSALS FOR THE RFP FOR TRANSPORTATION AND REMOVAL/RECYCLING OF YARD WASTE END PRODUCTS
- **3.** REJECT ALL BIDS FOR GREEN WASTE PROCESSING EQUIPMENT, ONE (1) NEW 16-MAN PICKING STATION AND TWO (2) NEW RADIAL STACKING CONVEYORS
- **4.** REJECT ALL BIDS FOR ONE (1) NEW PORTABLE TROMMEL SCREEN FOR GREEN WASTE PROCESSING

Purchasing Manager Taggart reviewed the background of the issue and the two RFP's that were issued for turn key and city processing operations, and recommended Council award a two year contract to Bio Fuel for the turn key operation, reject all bids for the city processing equipment, and declare Yaweah's Best and BFI non-responsive to the specifications.

Speaking to the issue were: Tom Delconte, Vision Recycling, who appealed staff's recommendation and requested his company be considered further for the process; John Flores, Yaweah's Best, 2540 W. Whitesbridge, who stated the options were unclear (4 - 0) and recommended both proposals be rejected and rebid; and Matt Cotton, representing Bio Fuel Systems, 19375 Lake City Rd., Nevada City, CA, who spoke in support of staff's recommendation.

Upon call, no one else wished to be heard and President Perea closed the public testimony portion of the matter.

Councilmember Duncan spoke in support of staff's recommendation stating it made sense and would get the job done in a very cost effective way, and made a motion to approve staff's recommendation, which motion was seconded by Councilmember Calhoun.

Extensive discussion ensued with Interim Public Utilities Director McIntyre, City Manager Hobbs, City Attorney Montoy, Mr. Cotton, Mr. Delconte and Ms. Taggart clarifying issues and/or responding to questions/comments of Councilmembers Ronquillo, Castillo, Boyajian, Duncan and Quintero relative to the two proposals, confusion with running the two proposals simultaneously, support for rejecting the bids and re-bidding a

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more simplified RFP without the city processing proposal, if local preference was applied, current and proposed costs for services, clarifications on the proposals and options, if the city could purchase the equipment and process the matter at a lower cost, timeline for the service to be up and running, staff reports being confusing, where Bio Fuel Systems was located, staff's recommendation also being a judgement on a company's capability and not just the lowest bid, when and how the determination was made to go with the turn key proposal over city processing and if that was detrimental to those bidding on city processing, if the small cost difference was taken into consideration, local preference not applied due to the separate processes undertaken, if Bio Fuel serviced other cities, number of employees Bio Fuel was planning to have on site, what the confusion was for Vision Recycling, equipment comparisons of the companies and what criteria was looked at, the issue being how this would work for the city in the long run, clarification that the city would not process under staff's recommendation, the original bid for green waste disposal, if rate increases were foreseen in the future, if the pros and cons of city processing was ever discussed with city employees, if there were concerns with BFI's operation as low bidder for city processing, types of assurances in place should the selected company go out of business

(5 - 0), and similarities with what Green's and Weaver's Recycling used to do. Acting President Ronquillo reiterated his recommendation to reject the bids and rebid a more simplified RFP stating the \$15,000 cost to rebid was nothing compared to the \$1 million that was spent in 1995 on the co-composting effort and explained.

A motion of Councilmember Duncan, seconded by Councilmember Calhoun, to (1) declare Yaweah's Best of Fresno non-responsive to the specifications for failing to provide proposal pricing for RFP No. 8419, Option 1 as required, and BFI/Forward Landfill non-responsive for not meeting the distance requirement for their site for Option 2 (delivery to contractor's site), (2) award a two-year contract under RFP No. 8419 in the estimated amount of \$1,690,000 to Bio Fuel Systems, Inc. for the processing of wood and yard waste at the City's site and disposal of materials in accordance with AB 939, and (3) reject all proposals received for Request for Proposals for Transportation and Removal/Recycling of Yard Waste End Products (RFP File No. 8422) once a contract has been executed for RFP No. 8419 failed, by the following vote:

Ayes : Calhoun, Duncan, Quintero

Noes : Boyajian, Castillo, Ronquillo, Perea

Absent : None

On motion of Acting President Ronquillo, seconded by Councilmember Castillo, duly carried, RESOLVED, staff directed to proceed with an RFP for a Turn Key process, by the following vote:

Ayes : Boyajian, Castillo, Duncan, Ronquillo, Perea

Noes : Calhoun, Quintero

Absent : None

On motion of Councilmember Castillo, seconded by Acting President Ronquillo, duly carried, RESOLVED, all bids hereby rejected, by the following vote:

Ayes : Boyajian, Castillo, Duncan, Ronquillo, Perea

Noes : Calhoun, Ouintero

Absent : None

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Councilmember Quintero advised he would be absent for the remainder of the meeting to attend to family business.

RECESS - 3:44 P.M. - 4:01 P.M.

(4:00 P.M.) PRESENTATION OF CITY OF FRESNO MEASURE "C" PLAN - MEASURE "C" AD HOC COMMITTEE

President Perea thanked Councilmember Calhoun for his work in chairing the Council Ad Hoc Committee. Councilmember Calhoun gave a brief overview stating this was a team effort involving Councilmembers Castillo and Ronquillo also; thanked city staff members Bruce Rudd and Bob Madewell for "leading the charge", working with other involved staff, being attentive to Council's direction, and for developing a well-balanced proposal; and advised the Mayor's Office was fully supportive of the city's proposal and made a motion to adopt the City's Measure "C" Expenditure Plan and direct President Perea to deliver the plan at the next scheduled meeting, which motion was seconded and later acted upon.

Transit Manager Rudd and Chief Transportation Engineering Technician Madewell reviewed the background of Measure C, presented and reviewed the City's Expenditure Plan (Alternative 4) including how it differed from the other three proposals, and clarified what the funds allocated to FYI were earmarked for.

Speaking in support of the League of Women Voters' proposal (Alternative 2) were: Dale Simmons, League of Women Voters, 1473 Tarpey, Clovis; and Gloria Torrez, 2600 Fresno Street.

Lengthy discussion ensued with Mr. Madewell and Mr. Rudd responding to questions and/or comments of Councilmembers Ronquillo, Duncan and Boyajian relative to the need for an improved and more efficient mass public transportation system, making the plan sellable to citizens outside the city limits, amount of Measure "C" generated in the city, how much of the 60-65% generated by city went to the city, Fresno County and Clovis, it being unfair to say the city was "hogging" funds as it generated one-third of the funds and shared with the county, if staff was looking at coordinating mass transportation with the county, and the different proposals including funding amount differences and rationale (6 - 0). President Perea thanked staff for all their hard work, the Council committee and the Mayor, and stated he would carry the city's proposal to the Measure "C" Committee.

On motion of Councilmember Calhoun, seconded by Councilmember Castillo, duly carried, RESOLVED, the City of Fresno Measure "C" Expenditure Plan as outlined hereby adopted and Council President Perea, as the Measure "C" Extension Committee Representative, to deliver the Expenditure Plan to the Measure "C" Committee at the next scheduled meeting, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea

Noes : None Absent : Quintero

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APPROVED on the 30 th day of October, 2001.	
ATTEST:	
Henry Perea, Council President	Yolanda Salazar, Assistant City Clerk

There being no further business to bring before the Council, the hour of 4:43 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

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